

Texas Commission on Environmental Quality Investigation Report

**United Environmental Services, LLC
CN603494352**

UNITED ENVIRONMENTAL SERVICES

RN105642946

Investigation # 936984

Incident # 155180

Investigator: ELIJAH GANDEE

Site Classification

GENERATOR

Conducted: 06/29/2011 -- 06/29/2011

NAIC Code: 324110

SIC Code: 4953

NAIC Code: 484110

SIC Code: 2911

Program(s): INDUSTRIAL AND
HAZARDOUS WASTE
USED OIL

Investigation Type : Compliance Investigation

Location :

Additional ID(s) : A85718
TXR000033449
86552

Address: 8010 NEEDLEPOINT RE
BAYTOWN, TX 77521

Activity Type : REGION 12 - HOUSTON
IHWCMPL - Complaint investigation

Principal(s) :

Role	Name
RESPONDENT	UNITED ENVIRONMENTAL SERVICES LLC

Contact(s) :

Role	Title	Name	Phone
Participated in Investigation	PLANT MANAGER	MR STEVE HOWARD	(832) 695-1542
Regulated Entity Contact	PLANT MANAGER	MR STEVE HOWARD	
Regulated Entity Mail Contact	PLANT MANAGER	MR STEVE HOWARD	

Other Staff Member(s) :

Role	Name
Supervisor	JASON YBARRA
QA Reviewer	BARBARA JOHNSTON

Associated Check List

<u>Checklist Name</u>	<u>Unit Name</u>
IHW COMPLAINT	86552 COMP

Investigation Comments :

INTRODUCTION

The Texas Commission on Environmental Quality (TCEQ) Region 12 Solid Waste Section received a complaint on May 29, 2011 (Incident No.: 155180). The complainant alleges that United Environmental Services transports and receives boxes of soil contaminated with high levels of benzene from the facility's Hillje, Texas location to the Baytown, Texas facility. The boxes are said

to be dumped in an open pit and processed. It is alleged that the benzene contaminated soil is a hazardous waste, but that it has not been managed as such by the facility.

INVESTIGATION

On June 29, 2011, Mr. Elijah Gandee, Environmental Investigator of the Texas Commission on Environmental Quality (TCEQ) Houston Region 12 Office, conducted a complaint investigation at the United Environmental Services, LLC (UES) facility located at 8010 Needlepoint Road, Baytown (Harris County) Texas 77521. The investigation was conducted to document any non-compliances from the allegations represented in the complaint.

The purpose of the investigation and the nature of the complaint were explained to Mr. Steve Howard, Plant Manager upon arrival at the facility. The investigation involved a detailed explanation of the facility process, records review, a site investigation of the facility grounds including areas referenced in the complainant's allegations, and an exit interview. The facility was made aware of the TCEQ policies on Notice of Violations (NOV) and Enforcement Actions.

United Environmental Services (UES) is located on a 3.8 acre tract in the drainage area of Segment 0901 of the Trinity San Jacinto Coastal Basin. The surrounding area is mixed industrial, commercial, and residential (Facility location and layout maps are provided in Attachment 1). The facility employs approximately 70 employees, and operates three shifts, seven days a week. Operations started at this facility under the name Pro Waste in 2001. Pro Waste was later acquired by United Environmental Services. The facility's North American Industrial Classification System (NAICS) code is 488999. This industry comprises establishments primarily engaged in providing support activities to transportation. The facility is identified in the TCEQ Central Registry by the Regulated Entity No.: RN105642946 and the Customer No.: CN603494352 (Central Registry information is provided in Attachment 2).

The facility consists of a 2,100 square foot office building, an 8,400 square foot warehouse, an 1,100 square foot maintenance shop, and twenty tanks used for the storage and processing of oily material. The tanks range in capacity from 11,970 gallons to 55,500 gallons. UES provides residuals recovery of a variety of products, plant

material, and what is claimed to be non-hazardous, non-regulated waste streams including: tank bottoms, foundry sand, off-specification refinery products, hydrocarbon streams, lube oils and tank pipeline clean-out materials, API separator sludge, oily water, oily dirt, and petroleum sludges utilizing chemicals, centrifuge, and heat assisted phase separation.

The allegations raised in the complaint were evaluated during the investigation. Mr. Howard provided the investigator with copies of six Bills of Lading (BOL) documenting the transport of six separate loads of what is described as "Oily Sludge (Non Hazardous, Non Regulated)" (provided in Attachment 3). Mr. Howard explained that UES owns another facility in Hillje, Texas which is currently not in operation and hasn't been for an unspecified amount of time. This facility is located at the intersection of County Road 309 and County Road 328, Hillje, Texas 77455. The facility consists of one storage tank (size unknown, estimated to be 250,000 barrels) and the affiliated manifolds and distribution lines, previously used to store and distribute product grade petroleum. On May 20, 2011, UES transported the remaining contents of this tank (described as oily sludge) to the UES Baytown plant for processing. Upon arrival, the contents were off-loaded into the facility's 9,000 gallon slurry sump. Once flowable, the material is pumped to a settling/treatment tank. Solids that settle at the bottom are pumped to another hold tank that feeds to a centrifuge for further separation of oil and solids. Oily material from the top phase of the settling/treatment tank is pumped to a separate feed tank that feeds to a centrifuge for further separation of oil and water. At this point, the oily material after the centrifuge is pumped to a storage tank until sold. Products are sold as "Fuel Oil," "Slop Oil," or "Crude Oil." Water and solids removed from the process are sent for disposal. The solids removed from oily sludge transported from the Hillje facility were disposed of at Seabreeze Environmental Landfill (MSW Permit No.: 1539A) in Angleton, Texas.

ADDITIONAL INFORMATION

On March 28 and 31, 2011, Mr. Gandee conducted an IHW Compliance Evaluation Investigation (CEI) at UES in Baytown, Texas. A Notice of Violation (NOV) letter was transmitted to the facility on June 23, 2011 (Attachment 4), detailing the findings of the investigation. As of the date of this complaint investigation, the facility is still within the 30 day timeframe for which a response to the NOV letter is required.

UES does not claim the oily materials transported, received, and processed to be a regulated waste; however, it is unclear what exemption or exclusion the facility qualifies under. As a result of the CEI, UES was required to provide additional documentation justifying how and why these oily materials are not solid wastes and possibly hazardous solid wastes. The deadline for the facility's response to the NOV issued from the CEI is July 23, 2011. At that time, the investigator will review the documentation and evaluate compliance through a Record Review investigation. The facility's response is also

critical to this complaint investigation as the underlying issue centers on the regulatory status of the oily materials transported, stored, and processed by UES.

COMPLIANCE BACKGROUND

The solid waste regulatory status concerning general information and previously issued violations was verified pursuant to the investigation, the following information was noted:

The last Waste media investigation was conducted on March 28 and 31, 2011. Three violations and two additional issues cited during that investigation remain outstanding. The NOV letter from that investigation was transmitted to the facility on June 23, 2011. The status of outstanding alleged violations and additional issues was covered during the current investigation.

OUTSTANDING ADDITIONAL ISSUE

Investigation of the allegations made in the complaint will require additional information from the facility. Specifically, the facility must address what exemptions and exclusions they qualify under to avoid regulation of the oily materials that are transported, received, and processed at the UES Baytown plant. This information has already been requested through a Notice of Violation letter transmitted to the facility on June 23, 2011. This letter was issued as part of the CEI investigation conducted on March 28 and 31, 2011. The deadline for response is July 23, 2011. At that time the investigator will evaluate compliance through a Record Review investigation.

No Violations Associated to this Investigation

Additional Issues

Description	Item 1
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Additional Comments

Investigation of the allegations made in the complaint will require additional information from the facility. Specifically, the facility must address what exemptions and exclusions they qualify under to avoid regulation of the oily materials that are transported, received, and processed at the UES Baytown plant. This information has already been requested through a Notice of Violation letter transmitted to the facility on June 23, 2011. This letter was issued as part of the CEI investigation conducted on March 28 and 31, 2011. The deadline for response is July 23, 2011. At that time the investigator will evaluate compliance through a Record Review investigation.

Signed _____
Environmental Investigator

Date _____

Signed _____
Supervisor

Date _____

Attachments: (in order of final report submittal)

___ Enforcement Action Request (EAR)

___ Maps, Plans, Sketches

___ Letter to Facility (specify type) : _____

___ Photographs

___ Investigation Report

___ Correspondence from the facility

___ Sample Analysis Results

___ Other (specify) : _____

___ Manifests

___ NOR

